

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

NANA ACQUAAH,

Petitioner,

v.

Case No. 2:13-CV-11706

BONITA HOFFNER, WARDEN,

Respondent.

**ORDER DISMISSING THE PETITION FOR A WRIT OF HABEAS CORPUS AND
DENYING A CERTIFICATE OF APPEALABILITY**

On April 15, 2013, Petitioner Nana Acquaaah, a state prisoner, attempted to file a petition for writ of habeas corpus under 28 U.S.C. § 2254. He failed to provide enough copies of the petition for service and failed to pay the filing fee or apply for *in forma pauperis* status. The court issued two orders of deficiency and gave Petitioner until May 21, 2012, to correct the filing errors. Petitioner failed to correct the deficiencies, and on July 5, 2013, the court dismissed the petition without prejudice.

Petitioner filed a motion for reconsideration on July 23, 2013, alleging that he attempted to correct the deficiencies, but for reasons unknown his checks were voided and the mail containing the copies of the petition was lost. The records attached to the motion seemed to confirm his allegations, and the court granted the motion on August 2, 2013. Petitioner was given until August 21, 2013, to submit two copies of his petition and the filing fee or application to proceed *in forma pauperis*. To date, Petitioner has submitted neither. Accordingly,

IT IS ORDERED that the petition for a writ of habeas corpus is DISMISSED WITHOUT PREJUDICE. Petitioner may submit a new habeas petition with payment of the filing fee or an application to proceed *in forma pauperis*. The court makes no determination as to the merits of Petitioner's claims.

Further, because reasonable jurists could not debate the correctness of the court's procedural ruling, a certificate of appealability is DENIED. See *Slack v. McDaniel*, 529 U.S. 473, 484–85 (2000).

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: October 16, 2013

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, October 16, 2013, by electronic and/or ordinary mail.

s/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522